

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:14-CR-306
)	
PEDRO ANTHONY ROMERO CRUZ,)	The Honorable Gerald Bruce Lee
et al.,)	
)	
Defendants)	
)	
)	

MOTION FOR EXPERT NOTICE DEADLINES AND RELATED DISCOVERY

The United States of America, by and through its attorneys, Dana J. Boente, United States Attorney, Stephen M. Campbell, Julia K. Martinez, and Tobias D. Tobler, Assistant United States Attorneys, hereby moves this Court to enter an order setting deadlines for the parties to notice any expert witnesses they intend to use at trial and to produce related discovery.

There is no agreed discovery order in this case. Consequently, there are presently no deadlines by which the parties must notify each other of their intent to use at trial any testimony under Rules 702, 703, or 705 of the Federal Rules of Evidence. The deadline for expert notices in the standard agreed discovery order used in most cases in this district is 10 business days prior to trial, or five business days prior to trial if the expert testimony is to be offered in response to a previously-noticed expert. Given the scope of this case, the government believes that earlier notice is appropriate. Accordingly, the government contacted counsel for each of the defendants and suggested setting deadlines of 15 business days and 10 business days, respectively.

Although no defense counsel has objected to these deadlines, the government has not yet

received responses from every defense counsel and thus is not filing this motion as a consent motion.

The government notes that some defense counsel who agreed to the proposed deadlines expressed concern about the parties' ability to file motions in response to expert notices, if appropriate. The government has no objection to motions generated by the parties' expert notices, but otherwise defers to the Court on that matter.

A proposed Order, tracking the relevant language in the standard agreed discovery order, is attached to this motion.

Respectfully submitted,

Dana J. Boente
United States Attorney

/s/

Stephen M. Campbell
Julia K. Martinez
Tobias D. Tobler
Assistant United States Attorneys
Counsel for the Government
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, VA 22314
(703)299-3700
(703)739-9556 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on the 12th of February, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which automatically generated a Notice of Electronic Filing to counsel of record.

/s/

Julia K. Martinez
Assistant United States Attorney
Justin W. Williams U.S. Attorney's Building
2100 Jamieson Ave.
Alexandria, VA 22314
Tel: (703) 299-3700
Fax: (703) 299-3981
julia.martinez@usdoj.gov